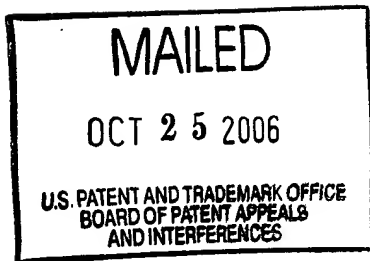


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte SCOTT J. BROUSSARD

Application 09/870,620

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 21, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that an Order Returning Undocketed Appeal to Examiner was mailed to appellant

on February 27, 2006 regarding the non-compliance of the Appeal Brief filed February 11, 2005. On March 20, 2006, a Notification of Non-Compliant Appeal Brief was mailed which stated in part that “the Brief doesn’t have the proper headings (it should have a ‘Summary of claimed subject matter’ section (with sufficient reference to the specification for all of the independent claims) instead of ‘Summary of Invention’.” In response to the Notification of Non-Compliant Appeal Brief, appellant filed a new Appeal Brief on April 20, 2006. The “Summary of claimed subject matter” appearing on pages 2 and 3 of the Appeal Brief is deficient because it does not map the independent claims to the specification. Correction is required.

In addition, § 1207.01 of the MPEP states:

On the examiner’s answer, below the primary examiner’s signature, the word “Conferees:” should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

The Examiner’s Answer does not comply with the above requirement.

because the second conferee has not placed her initials next to her name.

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for notification to appellant to submit a substitute Appeal Brief which corrects the "Summary of Claimed Subject Matter";
- 2) for consideration of the substitute Appeal Brief;
- 3) for submission of a revised Examiner's Answer which takes corrective action regarding the appeals conference; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G. J. Edgell for Dale Shaw
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